

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board**

Board's Ruling on Appeal¹

Docket No. 09-702

vs.

Appellee(s): City of Peabody

Appellant(s): Joseph McCarthy

Paul Kolodziej

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 6th Edition 780 CMR 1009.0 for 120 Foster Street, Peabody, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on February 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared and testified for the hearing.

Discussion

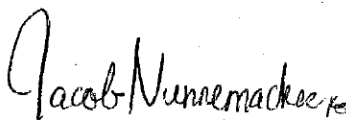
A motion was made to grant the Appellant's request for a variance from the 6th Edition of 780 CMR 1009.0 based on the exhibits and testimony that was presented which noted that the existing stairs leading to the rear exit were 37-inches wide rather than 44-inches wide as required by code and that the rear door was 36-inches wide. It was noted that the building official was not opposed to this proposal. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

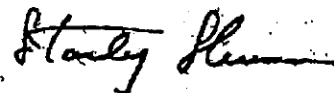
The Appellant's request for a variance from the 6th Edition 780 CMR 1009.0 is hereby granted as described in the discussion above and so ordered² on this date: February 5, 2009.



Douglas Semple



Jacob Nunnemacher



Stanley Shuman

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.